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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: **CHRISTA HARRIS et al.**

Appln. No.: **10/821,338**

Filed: **April 9, 2004**

For: **IMPROVED THERMAL DEVICE FOR
ACTIVATABLE THERMOCHEMICAL
COMPOSITIONS**

Examiner: **Aaron F. Roane**

Art Unit: **3739**

Attorney Docket No: **THR-6216
11861/59**

[Choose Mail Stop or blank line]
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Transmittal Letter (in duplicate); Response to Election Requirements.
- ☒ Return Receipt Postcard.

Fee calculation:

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(_____).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			X100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+ \$360=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

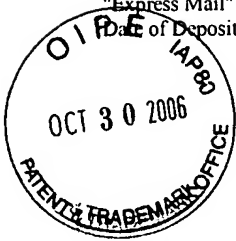
10/30/2006
Date

Timothy P. Lucier (Reg. No. 44,882)

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Our Case No.: THR-6216
11861/59

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Christa Harris et al.

Serial No.: 10/821,338

Filing Date: April 9, 2004

For: IMPROVED THERMAL DEVICE
FOR ACTIVATABLE
THERMOCHEMICAL
COMPOSITIONS

Examiner: Roane, Aaron F.

Group Art Unit No.: 3739

RESPONSE TO ELECTION REQUIREMENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Examiner Roane:

This paper is in response to the restriction requirement mailed September 28, 2006. In the restriction requirement, the Examiner indicated that there were two patentably distinct species of the claimed invention: the first species characterized by the physical activator in the form of a flexible perforated disc; and, the second species characterized by the physical activator in the form of a crystal-coated board. The examiner stated that claims 1-11 and 14 are generic.

The restriction requirement is acknowledged and Species 1 is elected with traverse. Species I is readable on Claims 12 and 15. Claims 1-11 and 14 are generic or linking claim to Species II. The restriction requirement is respectfully traversed. Applicant reserves the right to file applications to pursue non-elected inventions.

The point of a restriction requirement is to lessen the burden on the Examiner, on the grounds that too many inventions are presented, and these separate inventions cannot be covered in one reasonable search by the Examiner. The office action does

not claim that there are separate inventions classified in different classifications, but rather that the claims are directed to species of a genus. It should not be a burden on the Examiner to search for all of species in this case, rather than one, and the Examiner is respectfully requested to withdraw the species restriction requirement.

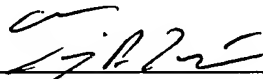
There are only two species, and if generic or linking claims (claim 1-11 and 14) are allowed, the restriction requirement must be withdrawn, and the claims examined. M.P.E.P. 809 at 800-48 (8th ed. Rev. 2). Accordingly, it may be less burdensome on the Examiner to examine multiple species at once, rather than repeating the process.

Applicants have elected Species I and listed the claims readable thereon. The Examiner is invited to contact the undersigned attorneys for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,

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